



Headquarters: 120 W. Kansas Avenue / P.O. Box 707 / Ulysses, KS 67880 / (620) 356-3211 / Toll Free 1-800-360-7893 / (620) 356-3242 Fax
www.westlinkcom.com

October 3, 2008

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Ex Parte Notice: In the Matter of High Cost Universal Service Reform Federal-State Joint Board On Universal Service, CC Docket No. 96-45 and WC Docket No. 05-337

Dear Ms. Dortch,

On May 1, 2008, the FCC released an Order¹ freezing, by state, the amount of funding that could be obtained by competitive Eligible Telecommunications Carriers (“ETCs”). The Order explained how annual support for competitive ETCs in each state will be capped at the level of support that competitive ETCs in that state were eligible to receive during March 2008, on an annualized basis.

The Order allowed for a limited exception to the fund cap if a wireless carrier filed a cost study demonstrating that its costs meet a support threshold in the same manner as Incumbent Local Exchange Carriers (“ILECs”).

“We adopt two limited exceptions to the operation of the interim cap. First, consistent with the ALLTEL-Atlantis Order and the AT&T-Dobson Order, we find it in the public interest to adopt a limited exception to the interim cap if a competitive ETC submits its own costs. Specifically, a

¹ See *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment, Order (“FCC Cap Order”), WC Docket No. 05-337 and CC Docket No. 96-45, released May 1, 2008.*

Retail Locations

214 E. Frontview, Suite A
Dodge City, KS 67801
(620) 561-5000

2312 E. Kansas, Suite A
Garden City, KS 67846
(620) 937-5000

1910 Broadway
Great Bend, KS 67530
(620) 868-5000

120 West Kansas Avenue
Ulysses, KS 67880
(620) 356-3211

114 E. Sixth
Hugoton, KS 67951
(620) 544-4392

201 N. Main St.
Lakin, KS 67860
(620) 355-7355

1504 East 17th
Hutchinson, KS 67501
(620) 259-5000

4325 Vine, Suite 20
Hays, KS 67601
(785) 365-5000

616 Fort Riley Blvd.
Manhattan, KS 66502
(785) 236-5000

110 Chestnut St.
Johnson, KS 67855
(620) 492-6234

211 S. Sequoyah
Satanta, KS 67870
(620) 649-2225

411 N. Main St.
Scott City, KS 67871
(620) 872-2998

1642 South Ohio
Salina, KS 67401
(785) 721-5000

210 N. Main St.
Syracuse, KS 67878
(620) 384-7721

*competitive ETC will not be subject to the interim cap to the extent that it files cost data demonstrating that its costs meet the support threshold in the same manner as the incumbent LEC.*²

On November 7 2007, WiCAC, a wireless cost methodology, was filed with the FCC.³ The purpose of this filing was to present a cost based methodology, based on a wireless carrier's actual booked costs, which could be assigned to accounts similar to the Part 32 system that ILECs use today. WiCAC then uses these costs, much like the cost based support procedures used by rural ILECs, to identify the wireless carriers high cost universal service support. On June 2, 2008, the WiCAC II wireless cost methodology was filed after several proposed changes from both FCC Commissioners and their staffs.⁴ On January 11, 2008, Panhandle Telecommunication Systems, Inc. filed the Panhandle Plan with the Commission.⁵ This plan also provided proposed procedures to identify cost based support for wireless carriers. A joint wireless ETC cost methodology, based on both WiCAC II and the Panhandle Plan, now known as the "WiPan" costing methodology was filed with the FCC on August 8, 2008.⁶ This joint proposal integrated the separate Panhandle and WiCAC costing methods by (a) using the WiCAC II costing module, and (b) using the Panhandle national average cost per minute of \$0.0269 threshold to identify wireless equivalent high cost loop support. Additional modules also use actual wireless costs to develop equivalent local switching support and ICLS support.

WestLink Communications, LLC is a rural wireless company that has been granted Eligible Telecommunications Carrier (ETC) status by the state of Kansas. WestLink has deployed a PCS wireless telecommunications network, which is comprised of a state-of-the-art wireless voice and data system serving numerous high cost and low density areas in Kansas. In November 2007, WestLink was granted ETC status in portions of its service territory by the Kansas Corporation Commission.⁷

WestLink plans, in the near future, to submit a wireless cost study demonstrating its cost based need for Federal universal service support based on the WiPan cost methodology, in compliance with the Commission's Cap Order. WestLink has examined the WiPan cost methodology and believes that it will require minimal time to implement and is relatively simple to use. By requiring and standardizing specific wireline style accounts tailored for a wireless company's expenses and investments, the WiPan methodology allows for the inclusion of wireless company's accounts into Part 32 costing methodologies comparable to that used by rural ILECs. Through the process of standardizing and categorizing inputs to the high cost fund algorithms, auditing of the

² Id., paragraph 31.

³ GVNW Consulting November 7th, 2007 Ex parte filing in WC Docket No. 05-337 and CC Docket No. 96-45.

⁴ Reply Comments of GVNW Consulting, Inc. in WCD No. 05-337 and CCD No. 96-45, June 2, 2008.

⁵ Panhandle Telecommunications, January 11th, 2008 Ex parte filing in WC Docket No. 05-337 and CC Docket No. 96-45.

⁶ GVNW Consulting, August 8th, 2008 Ex parte filing in WC Docket No. 05-337 and CC Docket No. 96-45.

⁷ Kansas Corporation Commission Docket No. 07-WLCT-1439-ETC, dated November 21, 2007.

process becomes possible. WiPan thus offers consistent, replicable, auditable, and verifiable results.

When completed, WestLink will file the WiPan cost methodology in the above-referenced dockets.

Regards,



Catherine Veach Moyer
Director, Legal & Regulatory Affairs
WestLink Communications, LLC
120 West Kansas Avenue
Ulysses, Kansas 67880
620.356.7133 direct phone
620.424.3133 direct fax
620.575.5133 wireless
catherine@pioncomm.net

cc:

Chairman Martin
Amy Bender - Legal Advisor, Wireline Issues

Commissioner Copps
Scott M. Deutchman - Competition and Universal Service Legal Advisor

Commissioner Adelstein
Scott Bergmann - Senior Legal Advisor, Legal Advisor for Wireline Issues

Commissioner Tate
Greg Orlando - Legal Advisor, Wireline

Commissioner McDowell
Nicholas G. Alexander - Legal Advisor, Wireline

Wireless Competition Bureau
Dana R. Shaffer - Bureau Chief